

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ICEY MEADOWS,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-00869

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND REMAND ORDER

Before the Court is Plaintiff's Complaint [Docket 2]. By Standing Order entered August 1, 2006, and filed in this case on June 28, 2010, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed her PF&R [Docket 13] on June 21, 2011, recommending that this Court reverse the final decision of the Commissioner, remand for further proceedings, and dismiss this case from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court

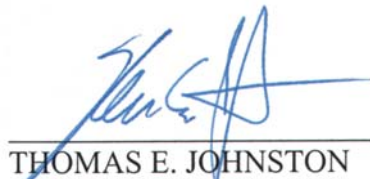
to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on July 8, 2011. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 13], **REVERSES** the final decision of the Commissioner, **REMANDS** this case to the Commissioner for further proceedings, and **DISMISSES** this case from the docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 20, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE